

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.26112 OF 2005

Dt.7.12.2005

Between:

U.Pulla Reddy ... Petitioner

And

The District Collector, Ongole,
Prakasam District. ... Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The petitioner herein has been appointed as Fair Price Shop dealer of Akkapalli village, Bestavaripeta Mandal, Prakasam District in the year 1998 on permanent basis. Basing on the report of Mandal Revenue Officer, Bestavaripeta, the authorization of the petitioner was cancelled by the Revenue Divisional Officer, Markapur on 12.4.2005 on the allegations that the petitioner was not distributing the essential commodities to the card holders properly and selling the same at higher rates and the dealer is not maintaining the shop properly by keeping the fair price shop opened for two or three days in a month.

It is stated that absolutely no charges have been made giving

particulars of the card holders to whom the essential commodities was not distributing or from whom higher rates were collected and also the number of days that said shop was not opened. But, however, the authorization of the petitioner has been cancelled. As against the said order dated 12.4.2005, the petitioner has filed an appeal before the Joint Collector, Prakasam District and the same was allowed by order dated 22.9.2005 stating that the said allegations are general in nature and not specific and verification was not conducted door to door to know whether the dealer has distributed the essential commodities to the cardholders as per the sales register and other records maintained by him and as the charges leveled against the dealer are not established beyond reasonable doubt. Against the said order, the 5th respondent, who is said to have been a cardholder and a temporary dealer of the said fair price shop, filed a revision before the District Collector, Prakasam District. It is stated that though caveat has been filed, the first respondent without issuing any notice and without hearing the petitioner herein granted ex parte stay of the order of the 2nd respondent while admitting the revision.

Similar orders of the District Collector have been stayed pending disposal of the revision in a batch of writ petitions. Having regard to the facts and circumstances of the case, when the petitioner succeeded before the appellate authority and when the contentions are vague and not specific and when caveat has been filed by the petitioner, I am of the opinion that the first respondent ought not to have granted ex parte order. Accordingly, the first respondent is directed to consider and dispose of revision after giving reasonable opportunity to the petitioner and the revision petitioner and pass appropriate orders. Till such time, the order of the first respondent dated 9.11.2005 granting stay of the operation of the order of the 2nd respondent dated 22.9.2005 is stayed and the petitioner is permitted to distribute essential commodities.

The writ petition is disposed of accordingly. No costs.

(V.ESWARAIAH, J.)

7.12.2005

Note: Issue copy within three days

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